



Department of Justice

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**Owner, Operator of Puerto Rico Beach Resort to Pay \$430,000 Fine
for Violating Federal Clean Water Act**

WASHINGTON, D.C. – Arnold Benus, the president and majority shareholder of the Copamarina Beach Resort in Guánica, P.R., and Concho Corporation, the corporation that operated the hotel, were sentenced today to pay fines totaling \$430,000 for illegally discharging sewage into Caña Gorda Beach.

Benus was sentenced to serve three years probation and ordered to pay a fine of \$130,000. Concho Corporation was sentenced to three years probation and ordered to pay \$300,000 in fines.

Benus pled guilty in December 2000 to one felony count of knowingly discharging domestic sewage, a pollutant regulated by the Clean Water Act, into the Caribbean Sea without a permit. Concho Corporation pled guilty to three felony counts for similar discharges.

The resort's discharges which resulted in the guilty pleas occurred through a pipe that stretched from the hotel's wastewater treatment plant directly into the Caribbean Sea, from October 1, 1996 and continuing through September 16, 1997.

The Clean Water Act regulates the discharge of pollutants into waters of the United States, Puerto Rico, and the territorial seas. Permits regulating the permissible amounts of pollutants that may be discharged are issued in accordance with the National Pollution Discharge Elimination System (NPDES). The discharge of any pollutant without a permit is unlawful under the Act.

The Copamarina Beach Resort had been operating its wastewater treatment plant with a direct discharge into the Caña Gorda Beach area since, at least, April of 1992. On several occasions between 1993 and 1996, the Environmental Quality Board of Puerto Rico ("EQB") inspected the plant and found that it was illegally discharging directly into the sea without the required permit. The EQB notified the defendants, Arnold Benus and Concho Corporation, of these violations and directed that they stop the discharges. At the time, the defendants considered changing the wastewater treatment

system to a "zero-discharge" system, but in the interim, did not upgrade the facility or stop the discharges. Nor did they seek or obtain the required permit.

On August 20, 1997, federal agents from the EPA Criminal Investigation Division observed that the Copamarina Beach Resort was still discharging domestic sewage directly into the sea. Samples of the discharges were taken and found to contain high levels of fecal coliform. These findings lead to the execution of a criminal search warrant at the hotel on August 21, 1997. Dye testing of the wastewater treatment system confirmed that the hotel was discharging domestic sewage from its treatment plant directly to the sea.

Following the search warrant, EPA filed a civil lawsuit in federal district court to enjoin and stop the discharges immediately. On or about September 16, 1997, the Copamarina Beach Resort finally stopped the discharges and began using a zero-discharge system.

On October 17, 2000, the U.S. District Court entered a consent decree to resolve EPA's civil claims brought in 1997 under the Clean Water Act against resort owner Arnold Benus, General Manager Salvador Suau, Concho Corporation and Sapo Corporation (a corporation that manages the Copamarina Beach Resort). Under the terms of the consent decree, the defendants must pay a civil penalty of \$200,000 to the United States. The defendants are also permanently enjoined from discharging any pollutant from any source at the Copamarina Beach Resort into waters of the United States, unless such discharge is in full compliance with the Clean Water Act and its implementing regulations.

The criminal action was prosecuted by Senior Litigation Counsel Howard P. Stewart and Trial Attorney David Lastra-De León, of the Environmental Crimes Section, Environment and Natural Resources Division, U.S. Department of Justice in Washington, D.C. The case was investigated by the Criminal Investigation Division of the U.S. Environmental Protection Agency in New York City.

Trial Attorney George Pierce of the Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice in Washington, D.C., and Attorney Silvia Carreño-Coll, Assistant Regional Counsel for EPA in Puerto Rico, litigated the civil aspects of this matter.

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